

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ACADEMY OF ALLERGY & ASTHMA  
IN PRIMARY CARE AND UNITED  
BIOLOGICS, LLC D/B/A UNITED  
ALLERGY SERVICES**

**Plaintiffs,**

**v.**

**AMERICAN ACADEMY OF ALLERGY,  
ASTHMA & IMMUNOLOGY;  
AMERICAN COLLEGE OF ALLERGY,  
ASTHMA & IMMUNOLOGY; DALLAS  
ALLERGY AND ASTHMA CENTER,  
P.A.; FAMILY ALLERGY & ASTHMA  
LLC; JOINT COUNCIL OF ALLERGY,  
ASTHMA & IMMUNOLOGY; LYNDON  
E. MANSFIELD M.D., P.A., A  
PROFESSIONAL ASSOCIATION;  
DONALD AARONSON, MD; GARY  
GROSS, MD; LYNDON MANSFIELD,  
MD; JAMES SUBLETT, MD; AND  
DAVID WELDON, MD**

**Defendants.**

**CIVIL ACTION NO. 14-35-OLG**

**TEMPORARY RESTRAINING ORDER**

The Court considers the motion for temporary restraining order of plaintiffs Academy of Allergy & Asthma in Primary Care (“AAAPC”) and United Biologics, LLC d/b/a United Allergy Services (“UAS”) (collectively “Plaintiffs”) against defendants the American Academy of Allergy, Asthma & Immunology; the American College of Allergy, Asthma & Immunology; Dallas Allergy and Asthma Center, P.A.; Family Allergy & Asthma LLC; the Joint Council of Allergy, Asthma & Immunology; Lyndon E. Mansfield M.D. P.A., a professional association; Donald Aaronson, MD; Gary Gross, MD; Lyndon Mansfield, MD; James Sublett, MD; and David Weldon, MD (collectively, “Defendants”).

The Court, having reviewed the Motion, evidence, exhibits and other pleadings, and having heard the arguments of counsel, if any, enters the following findings and orders:

If the relief requested by Plaintiffs is not granted, Plaintiffs will suffer imminent and irreparable injury to their reputation and good will, market share, physician-patient relationships and relationships with insurers, managed care organizations, and other third parties, and harm to patient care, for which Plaintiffs have no adequate remedy at law.

Therefore, the Court makes the following **ORDERS**:

Defendants, together with their agents, servants, employees, attorneys and those persons in active concert or participation with them, shall be restrained from:

- a) engaging in contacts or discussions with insurance companies, managed care organizations, or other third-party payors concerning who should perform allergy testing or allergen immunotherapy or whether or how much those organizations should reimburse for those services;
- b) contacting, discussing, or disseminating materials to third-party payors, physicians, or others in the industry regarding the business practices or services of primary care physicians or UAS; or
- c) taking action or encouraging others to take action restrained above or otherwise to harm AAAPC members' or UAS's businesses.

The Clerk of this Court shall issue notice to Defendants that the Motion for Preliminary Injunction is set for hearing and Defendants shall appear on \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

The Clerk of this Court shall forthwith, upon filing by Plaintiffs of a bond, issue a Temporary Restraining Order in conformity with the law and according to the terms herein ordered.

This Order shall not be effective unless and until Plaintiffs execute and files with the Clerk of this Court a Bond in the amount of \$\_\_\_\_\_.

This order will expire on \_\_\_\_\_, 2014.

SIGNED on \_\_\_\_\_, 2014 at \_\_\_\_\_ a.m/p.m.

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U.S. DISTRICT JUDGE

APPROVED & ENTRY REQUESTED:

/s/ Casey Low

Casey Low  
State Bar No. 24041363  
Richard C. Danysh  
State Bar No. 05377700  
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ATTORNEYS FOR PLAINTIFFS  
AAAPC & UAS